

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

<p>JACK WALKER, Plaintiff,</p> <p>vs.</p> <p>300 SOUTH MAIN, LLC, a Utah limited liability company, Defendant.</p>	<p>MEMORANDUM DECISION AND ORDER GRANTING PLAINTIFF'S MOTION IN LIMINE WITHOUT PREJUDICE</p> <p>Case No. 2:05-CV-442 TS</p>
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Plaintiff seeks to exclude the testimony of seven witnesses on the grounds that they were untimely disclosed and argues that he is prejudiced because there is no time to depose them before trial. Plaintiff also represents, and Defendant does not dispute, that the testimony of the disputed witnesses would be offered in connection with Defendant's counterclaims. As summary judgment has now been granted on those counterclaims, it appears that the issue of the testimony of these disputed witnesses would not be relevant to trial. Therefore, the Court need not address the issues of timeliness or prejudice. It is therefore

ORDERED that Plaintiff's Motion in Limine is GRANTED WITHOUT PREJUDICE to the new designation of any of the disputed witnesses to the extent that such witness' testimony will be offered on an issue that remains in dispute for trial.

DATED September 4, 2007.

BY THE COURT:

A handwritten signature in black ink, appearing to read "T. Stewart", is written over a horizontal line.

TED STEWART  
United States District Judge